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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,121	07/18/2003	Luke K. Liang	Vision 103P	4461

7590 06/23/2005

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/623,121

Applicant(s)

LIANG ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The status of the claims is as follows:

Claims 1 and 6 are cancelled; and

Claims 2-5, and 7-13 are herein addressed below.

The proposed drawing corrections dated 2/25/2005 have been approved by the Examiner.

The disclosure is objected to because of the following informalities: the applicant added Figures 16 and 17 but failed to add brief descriptions of Figures 16 and 17.

Appropriate correction is required.

Claims 1-9, and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 in its entirety is not readily understood by the Examiner. Specifically, it appears that all of the language of claim 2 is already in claim 10 on which claim 2 depends on. In claim 2, line 9, it appears that "guide" should be --guides--. In claim 13, line 3, it appears that "adopted" should be --adapted--. In claim 13, line 5, it appears that "mar" should be --bar--. In claim 13, line 8, it appears that "onto" should be --into--. In claim 4, line 2, it appears that --the-- should be inserted after "into".

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-5, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Donnell et al. ('6,550,184). O'Donnell et al. ('184) disclose a balance shoe assembly comprising a balance shoe housing (14) having a base section (the bottom half of the housing 14), the base section having a pair of channels (32), at least one side support member (34) slidably movable in the channel (32) between a first and second position, the balance shoe housing (14) having a pivot member (40) engaged to a pivot bar (68) and the pivot member (40) extending within an opening (the bottom half of the housing is an opening) of the balance shoe housing (14), said pivot member (40) having a generally oval-shaped head portion (57) and wherein said oval-shaped head portion (57) rotates and forces the side support member (34) of the balance shoe housing (14) to slide in the channel (32) between a first and second position, and the side support member (34) contacts at least one side wall surface (16) of a window jamb channel. O'Donnell et al. ('184) further disclose one or more guides (54, 56, 58) direct the pivot bar (68) to easily slide into the pivot member (40). O'Donnell et al. ('184) still further disclose an inner surface of the balance shoe housing (14) having at least one receiving

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channel (44) to permit a retaining arm (38 in Figure 6 or 41 in Figure 8) of the side support member (34) to move freely in a direction toward the window jamb channel (16). O'Donnell et al. ('184) yet still further disclose the opening (the bottom half of the housing) having a first ledge (44) and a second ledge (the entire inner surroundings of the balance shoe housing other than ledge 44) and the side support member (34) rides along the first ledge (44) and the pivot member (40) is placed in the opening and rest on the second ledge. O'Donnell et al. ('184) further disclose a retaining means (surface/opening of 32 as shown in Figure 6 retains and guides the side support member or element 45 shown in Figure 8) which guides the side support member (34) to permit retaining arm (41) of the side support member (34) to move freely in a direction toward a wall (16) of the jamb channel. O'Donnell et al. ('184) yet still further disclose the side support member (34) having an inner arcuate surface (31) which articulates with the oval-shaped head portion (57) and the side support member (34) having a serrated surface (36) which engages the window jamb channel (16) when the side support member (34) is in an extended position.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent application publication to O'Donnell et al. (2003/0121207 A1) disclose an oval-shaped pivot head similar to that of the applicant's invention. U.S. patent to Annes et al. ('295) disclose an oval-shaped pivot head similar to that of the applicant's invention. U.S. patent to Wood discloses an oval-shaped pivot head similar to that of the applicant's invention. U.S. patent to Marshik discloses an

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oval-shaped pivot head similar to that of the applicant's invention. U.S. patent to FitzGibbon et al. disclose an oval-shaped pivot head similar to that of the applicant's invention.

Applicant's arguments with respect to claims 2-5 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 571-272-6835.



**Jerry Redman**  
**Primary Examiner**

5002/12/9  
6/21/2005

FIG. 16

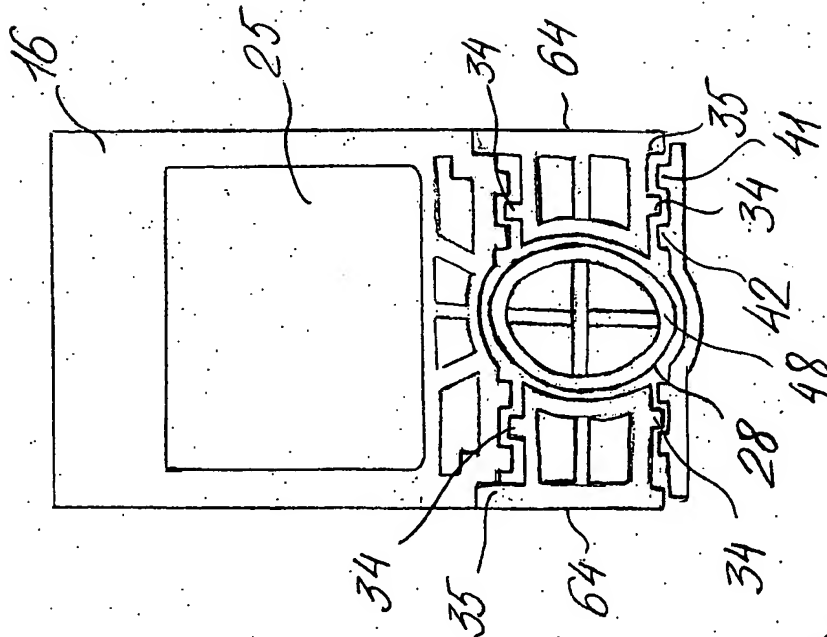


FIG. 17

